

03/17/00  
JC564 U.S. PTO

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*A*  
Customer Number: 000959

**DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM**  
**UNDER RULE 1.53(b) (former Rule 1.60)**

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/061,400	PRIOR APPLICATION FILING DATE: APRIL 16, 1998
MNI-056CPCN	CLASS: 530	SUBCLASS: 350	EXAMINER: L. SUN HOFFMAN	ART UNIT: 1642

**ASSISTANT COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
WASHINGTON, DC 20231**

jc564 U.S. PTO  
09/528031  
03/17/00

**CERTIFICATION UNDER 37 CFR 1.10**

Date of Deposit: March 17, 2000

Mailing Label Number: EL 178 690 014 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Deise K. Timas  
Name of Person Mailing Paper

Deise K. Timas  
Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a  continuation  divisional application under 37 CFR 1.53(b), of pending prior Application U.S. Serial No. 09/061,400 filed on April 16, 1998, of Andrew Shyjan entitled "Novel Multidrug Resistance-Associated Polypeptide" which in turn is a Continuation-in-Part Application of U.S. Serial No. 08/843,459 filed on April 16, 1997, of Andrew Shyjan entitled "Novel Multidrug Resistance-Associated Polypeptide".

1.  Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:

77 page(s) of Specification (including 14 pages of Sequence Listing)  
 11 page(s) of Claims  
 1 page(s) of Abstract  
 10 sheet(s) of Informal Drawings (Figures 1A-G and 2A-C)  
 5 page(s) of an *executed* Declaration, Petition and Power of attorney

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/061,400 filed April 16, 1998.

2.  A verified statement to establish small entity status under 37 CFR 1.9 and 1.27, a copy of which is enclosed, was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)).

3.  The filing fee is calculated below:

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	* 49	MINUS	** 20	= 29
INDEP.	* 10	MINUS	*** 3	= 7

MULTIPLE DEPENDENT CLAIMS

SMALL ENTITY		OTHER THAN A SMALL ENTITY	
RATE	FEES	RATE	FEES
x 9 =	\$0.00	x 18 =	\$522.00
x 39 =	\$0.00	x 78 =	\$546.00
+130 =	\$0.00	+ 260 =	\$260.00
BASIC FEE	\$0.00	BASIC FEE	\$760.00
TOTAL		TOTAL	\$2088.00

4.  The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this communication, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.

5.  **THE FILING FEE IS NOT BEING PAID AT THIS TIME.**

6.  Cancel in this application original claims 1-47, 49-50, 52-76 and 78-79 of the prior application and insert claims 80-114 before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

7.  A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)

8.  Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)

9.  New informal drawings are enclosed.

10.  Priority of application serial no. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. §119.  
 The certified copy has been filed in prior application serial no. \_\_\_\_\_ filed on \_\_\_\_\_.  
 The certified copy will follow.

11.  The prior application is assigned of record to MILLENNIUM PHARMACEUTICALS, INC.

12.  A \_\_\_\_\_ month extension of time has been submitted in the parent application Serial No. \_\_\_\_\_ in order to establish copendency with the present application.

13.  Also enclosed are .  
 a Preliminary Amendment; and  
 a Pre-paid Acknowledgment Postcard.

14.  The power of attorney in the prior application is to Lahive & Cockfield, LLP and Millennium Pharmaceuticals, Inc.

- a.  The power appears in the original papers in the prior application.
- b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c.  A new power has been executed and is attached.

15.  Address all future communications (May only be completed by applicant, or attorney or agent of record) to Elizabeth A. Hanley at Customer Number: 000959 whose address is:

**Lahive & Cockfield, LLP  
28 State Street  
Boston, Massachusetts 02109**

16.  Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.

17.  Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. 09/061,400. Please use the computer readable form of application serial no. 09/061,400 in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. 09/061,400 are the same.

Date: **March 17, 2000**

  
Elizabeth A. Hanley.  
Registration No. 33,505  
Attorney of record

LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
Tel. (617) 227-7400